

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

IN RE RED HAT, INC. SECURITIES LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

)
)
) Master File
) No. 5:04-CV-473-BR
)
)

ORDER

This matter is before the court on the 11 June 2010 Memorandum and Recommendation of Magistrate Judge David W. Daniel (M&R) regarding Lead Plaintiff's Motion for Preliminary Approval of settlement. No party has filed objections to the M&R. The court adopts the M&R as its own. Lead Plaintiff's Motion for Preliminary Approval is ALLOWED. It is hereby ORDERED that:

1. The Stipulation of Settlement, attached to Lead Plaintiff's Motion for Preliminary Approval, is preliminarily APPROVED, with the following modifications: (i) that the parties choose the non-profit organization to which any balance in the net settlement fund will be donated, and (ii) that the supplemental agreement between Lead Plaintiff and Defendants be filed under seal within 5 days of the date this order is filed. Regarding (ii), such agreement shall be unsealed upon the expiration of the deadline for requesting exclusion from the class; if any person desires to review the agreement prior to the expiration of that deadline, such person may file a motion to that effect stating explicitly the grounds in support thereof.
2. The revised Notice of Proposed Settlement of Class Action, filed 8 June 2010, is APPROVED, with the following modifications: (i) on page 1 (the cover page), the

appropriate page number be inserted after “As further detailed below at page”; (ii) the Claims Administrator’s website address be inserted in appropriate places throughout the Notice; (iii) the dates of deadlines/hearing be inserted in appropriate places throughout the Notice; (iv) on pages 1 and 3, regarding attorneys’ fees, “or \$6 million” be inserted after “up to 30%” and (v) on page 7, the Claims Administrator’s telephone number be inserted in ¶ 7.

3. The Summary Notice, attached as Exhibit A-3 to the Stipulation of Settlement, is APPROVED, with the following modifications: (i) that the amount of attorneys’ fees, expenses and award to the Lead Plaintiff that Lead Plaintiff’s counsel could request from the Court be included (as per the M&R page 13); (ii) that the Clerk’s address be included in the Summary Notice; (iii) that the name of Lead Plaintiff’s law firm be changed to make it consistent with the firm name provided in the Notice; and (iv) that the dates of deadlines/hearing and the Claims Administrator’s website address be inserted in appropriate places.
4. The schedule proposed by the parties and set forth in the M&R on page 14 is ADOPTED.
5. The Final Fairness Hearing is SET for 7 December 2010 at 9:00 a.m., Terry Sanford Federal Building and Courthouse, Courtroom 2, 310 New Bern Avenue, Raleigh, North Carolina.

This 8 July 2010.



W. Earl Britt
Senior U.S. District Judge